

TOWN OF NATICK HISTORIC DISTRICT COMMISSION

1975

RULES AND REGULATIONS

(INCLUDING 1985 and 2007 AMENDMENTS)

I. General Rules and Organization

1. These Rules and Regulations are adopted by the Natick Historic District Commission (hereinafter the "Commission") as required by Article XV, Section 2 of the Town By-Laws passed by the Town at the annual Town Meeting on March 28, 1974, and in accordance with Chapter 40C of the General Laws of the Commonwealth, as amended.
2. The Commission shall elect annually a Chairman, Vice-Chairman and a Secretary from within its own number.
3. The Chairman shall vote and be recorded on all matters coming before the Commission. He shall decide all points of order. He shall appoint committees, where necessary and he shall transact the official business of the Commission, request necessary help, direct the work of all subordinates, and exercise general supervisory power.
4. The Vice-Chairman shall act as Chairman in the event the Chairman is absent, or otherwise unable to perform his duties, and shall assist the Chairman at all other times.
5. The Secretary shall supervise all of the clerical work of the Commission, including correspondence, sending notices, keeping minutes and all records and files of the Commission, including reports, publications and the roster of membership within the Massachusetts Historical Commission.
6. The Commission shall meet at the call of the Chairman or Vice-Chairman, or at the request of two or more members and notice thereof shall be given to each member and posted publicly in the Town Clerk's Office at least forty-eight (48) hours before the time set. The meetings shall be open to the public.
7. A majority of all members of the Commission must be present for a quorum, and the acts of a majority of members present at a meeting at which a quorum is present shall be the acts of the Commission, except that the concurring vote of a majority of all members of the Commission shall be necessary to issue a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship.
8. The Commission shall busy itself with the duties required of it under Chapter 40C and the Town By-Laws to preserve and protect buildings and places within the Historic District and to encourage design compatible with the historic aspects or the architectural characteristics of the surroundings and of the Historic District, and it shall receive and consider the requests of

owners of properties within said Historic District as regards construction, alteration, changes, improvements, additions or renovations affecting the exterior features of said properties, including such appurtenances as are not excluded by the Town By-Laws and Chapter 40C of the General Laws, as they may be amended from time to time.

9. The Commission may from time to time amend these Rules and Regulations.

II. Application to the Commission

1. When any alterations, changes, etc. (see I, (8) above) are to be made within the Historic District, application to the Commission for a Certificate of Appropriateness, Non-applicability, or Hardship, as the case may be, must be made in triplicate, on forms available at the Town Clerk's Office. The form shall be completed and filed with the Commission in care of the Town Clerk, together with the required filing fee. The required filing fee shall be ten dollars (\$10.00) if the application pertains to a single-family residential property, and shall be forty dollars (\$40.00) if the application pertains to any other type of property.
2. In addition to the filing fee described in section (1), prior to any final determination by the Commission, the applicant will be required to pay to the Town Clerk the amount of any postage costs deemed necessary by the Commission to notify those parties who are entitled to notice of the application.
3. Any application may be withdrawn by notice in writing to the Commission at any time prior to its determination, without refund of the filing fee or any postage expenses incurred.
4. The Commission reserves the right to ask any applicant to submit additional documentary evidence and plans before a determination is made on any given application, including detailed engineering drawings and plans, architectural and landscape renderings, and design specifications.

III. Determinations and Hearings

1. Within fourteen (14) days after the filing of an application for a Certificate of Appropriateness, Non-applicability or Hardship, the Commission shall meet to determine if the application involves exterior architectural features which are subject to approval by the Commission.
2. If the Commission determines that the application involves features which are not subject to its approval, a Certificate of Non-applicability shall be issued.
3. If the Commission determines that the application does involve features subject to its approval, it shall then determine whether or not to waive public hearing on that application.
 - a. If the Commission determines that the architectural features involved in the application are so insubstantial in their effects on the Historic District that no public hearing is required, the Commission may waive the requirement of a public hearing.

In this event, notice of the application and the decision to waive the public hearing shall be mailed to the owners of adjoining property and of other property deemed by the Commission to be materially affected thereby, and ten (10) days shall be allowed to elapse before the application is acted upon.

- b. If the Commission determines that a public hearing be held, it shall schedule that meeting for a date that provides for at least fourteen (14) days advance public notice. Notice, indicating the owner(s), applicant (if different), and property involved, shall be posted in the Town Clerk's Office and as such other public places as may be required by the General Law or the By-Law, and the following parties notified by mail: the applicant, owners of adjoining property, Town Planning Board, any person who has filed a written request for such notices (such as requests to be renewed yearly in December), owners of property deemed to be materially affected, and any other persons the Commission deems entitled to notice. If all persons entitled to receive notice of the public hearing waive the hearing in writing, the hearing need not be held.
- c. All hearings shall be open to the public.
- d. The order of business of a public hearing shall be as follows:
 - 1) The Secretary or his designee shall read the public notice, application, findings of fact, letters, and present any exhibit submitted to the Commission.
 - 2) Presentation by the applicant or his designee.
 - 3) General comments and questions for persons either in favor or opposed to the petition, if any, and questions by those seeking information.
 - 4) Applicant's rebuttal restricted to matters raised by opponents.

Members of the Commission may direct any appropriate questions during the hearing.

- 4. Final determination on the application shall be made by the Commission as follows:
 - a. When making its final determination on an application, a detailed record of the proceedings will be made, which shows the vote so indicating, and the reasons for any decision be included in this record.
 - b. Within forty-five (45) days of the date of filing the Commission shall make a determination on the application. This time limitation can be extended if the applicant allows it in writing. A Certificate of Hardship shall be issued if no determination has been made within the time herein specified.

- c. The concurring vote of at least a majority of members of the Commission shall be necessary to issue Certificates of Appropriateness, Non-applicability or Hardship.
- d. A notice of the determination and the reasons as set forth in the records shall be issued to the applicant. The Commission may make recommendations to the applicant either before or after its determination of disapproval. If such recommendations for changes in design, arrangement, texture, material and similar features are adopted by the applicant and if he files written modifications of his application in conformity with the recommended changes of the Commission within fourteen (14) days after receipt of such notice, the Commission shall issue a Certificate of Appropriateness.
- e. If an application for Certificate of Appropriateness is not approved, or if an application for Certificate of Hardship is received, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved but not affecting the Historic District generally, failure to approve will involve substantial hardship, financial or otherwise, to the applicant and whether the application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of the By-Law establishing the Historic District. If the Commission determines that failure to approve the application will involve such substantial hardship to the applicant and that approval may be made without substantial detriment and such derogations, a Certificate of Hardship will be issued.

TOWN OF NATICK HISTORIC DISTRICT COMMISSION
NATICK, MASSACHUSETTS

INFORMATION REGARDING CERTIFICATION

Under the Historic District By-Law and the rules adopted by the Town of Natick Historic District Commission, certification by the Commission is required before work is begun that will affect grounds or the exterior of buildings within the District that are visible from a public way. Work that requires prior certification includes any alteration to the exterior of a structure, including any work involving signs, walls and fences, terraces, walks, driveways, etc. Certification is not required for work done inside a building that does not affect its exterior, or for work on grounds and the exterior of buildings that will not be visible to the public.

Certification is also not required for the following:

1. Temporary structures or signs, subject, however to such conditions as to duration of use, location of lighting, removal and similar matters as the Commission may reasonably specify.
2. Storm doors, storm windows and screens.
3. The color of paint.

Types of Certification

There are three types of certificates issued by the Commission:

1. Certificate of Appropriateness. This certifies that the proposed work is appropriate with regard to the preservation and protection of the distinctive characteristics of the District. The majority of applications received by the Commission will be for this type.
2. Certificate of Non-applicability. This certificate is issued when the proposed work does not require certification. It is issued when an application for Certificate of Appropriateness has been received for work which in fact does not require certification, and also when an applicant requests such certification to remove any doubt regarding whether or not proposed work lies within the jurisdiction of the Commission.
3. Certificate of Hardship. This is issued when the Commission determines that substantial hardship would be involved unless the proposed work is certified and that the proposed work, while not certifiable as “appropriate”, would not result in substantial detriment to the public welfare and would not result in substantial derogation from the intent of the Massachusetts Historic District Act and the Natick Historic District By-Law.

Applications for Certification

Application forms may be obtained from the Office of the Town Clerk. Completed applications should be mailed to the Town of Natick Historic District Commission, c/o Town Clerk, 13 East Central Street, Natick, MA 01760, or delivered to the Office of the Town Clerk.

The Commission requires a reasonably complete description of the proposed work on applications for certification. The existing elevations and photographs of exterior should be included as well as a description of specific details regarding type and color of materials (except color of paint) to be used. Details regarding trim, gutters and leaders, windows and sashes, doors and door frames, roof pitch, and the material and elevations of fences and walls, and of walks, terraces, driveways and parking lots. If lighting is proposed, the fixtures should be described. In cases of new construction and relocation, copies of architectural sketches, plans and specifications are required. In the case of demolition, the applicant must indicate how restoration of the grounds will be accomplished.

The Commission may return an application to the applicant if the information supplied is insufficient. In such cases the official date of receipt shall be that of receipt of an acceptable application.

All materials submitted with the applications must be retained by the Commission for its files.

Advance Inquiries

The Commission welcomes advance inquiries as to the applicability of the Massachusetts Historic District Act and the Town By-Law to any project or other matter potentially subject to the Commission's review. Inquiries may be addressed in writing to the Commission, or made in person at any of its meetings. The Town Clerk is notified of the Commission's meetings in advance and any person may appear and be heard on any matter pending before the Commission prior to its reaching a decision.

Procedure upon Receipt of Application

The Secretary of the Commission will notify the Commission members of receipt of an application and a meeting will be called within two weeks time. At that meeting the Commission will rule on whether the proposal involves any exterior features subject to its review. If the proposed work is clearly outside its jurisdiction, a Certificate of Non-applicability will be issued forthwith. If the proposed work is subject to approval, the Commission must notify all affected parties before rendering a decision and hold a public hearing unless the proposed work is insubstantial or all affected parties agree by written consent to waive the hearing. A Certificate of Appropriateness, or possibly a Certificate of Hardship, will be issued upon favorable review.

Legal provisions for penalties to owners for noncompliance with the By-Law, and for appeal of unfavorable rulings by the Commission, may be ascertained from Chapter 40C of the General Laws of the Commonwealth of Massachusetts as amended.

The above is intended to provide a brief summary of the procedures regarding certification by the Town of Natick Historic District Commission. For detailed information on the Commission and the rules and law governing its work, the following should be consulted: Rules and Regulations of the Commission, the Natick Historic District By-Law, and Chapter 40C of the General Laws of the Commonwealth of Massachusetts as amended.